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7 Yakima, WA 98902  
8 509-575-0313  
9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON

12 ANTONIO SANCHEZ OCHOA,

13 Plaintiff,

14 v.

15  
16 ED W. CAMPBELL, Director of Yakima  
17 County Department of Corrections;  
18 SCOTT HIMES, Chief of the Yakima  
19 County Department of Corrections; and  
20 YAKIMA COUNTY,

Defendants.

NO. 1:17-cv-03124-SMJ

DEFENDANTS' ANSWER AND  
AFFIRMATIVE DEFENSES

21 Defendants in answer to plaintiff's complaint for violations of civil  
22 rights (ECF No. 1), admit, deny, and allege as follows:  
23

24 1. Answering the first sentence of paragraph 1 of the complaint, said  
25 sentence contains a general description of the plaintiff's lawsuit to which no  
26 response is required. To the extent a response is required, defendants deny the  
27 plaintiff's characterization of the defendants' policies, practices, and conduct  
28

29 DEFENDANTS' ANSWER  
30 AND AFFIRMATIVE DEFENSES - 1

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2  
3 and further deny that the plaintiff is entitled to the relief sought. Answering  
4 the second sentence of paragraph 1 of the complaint, DHS Administrative  
5 Warrants and regulations governing DHS speak for themselves. Answering the  
6 third and fourth sentence of paragraph 1 of the complaint, defendants deny the  
7 same.  
8  
9

10 2. Answering paragraph 2 of the complaint, said paragraph contains  
11 a general description of the relief sought by the plaintiff in this lawsuit, to  
12 which no response is required. To the extent a response is required, defendants  
13 deny the plaintiff's characterization of the defendants' policies, practices, and  
14 conduct and further deny that the plaintiff is entitled to the relief sought.  
15  
16

17 3. Answering paragraph 3 of the complaint, defendants admit only  
18 that the plaintiff has alleged a cause of action arising under the Constitution  
19 and the laws of the United States, including 42 U.S.C. § 1983, and that this  
20 Court has jurisdiction over the plaintiff's claims pursuant to 28 U.S.C. § 1331.  
21 Defendants deny that the plaintiff has a viable claim arising under the  
22 Constitution and laws of the United States, including 42 U.S.C. § 1983.  
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25 4. Answering paragraph 4 of the complaint, defendants admit the  
26 same.  
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3 5. Answering paragraph 5 of the complaint, defendants admit the  
4 same.  
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6 6. Answering paragraph 6 of the complaint, defendants admit the  
7 same.  
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9 7. Answering paragraph 7 of the complaint, defendants admit the  
10 same.  
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12 8. Answering paragraph 8 of the complaint, defendants admit the  
13 same.  
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15 9. Answering paragraph 9 of the complaint, defendants admit the  
16 same.  
17

18 10. Answering paragraph 10 of the complaint, defendants are without  
19 information or knowledge sufficient to form a belief as to the truth of said  
20 allegations, and therefore deny the same.

21 11. Answering paragraph 11 of the complaint, defendants admit the  
22 same.  
23

24 12. Answering paragraph 12 of the complaint, defendants admit the  
25 same.  
26

27 13. Answering paragraph 13 of the complaint, defendants admit the  
28 same.  
29

30 DEFENDANTS' ANSWER  
AND AFFIRMATIVE DEFENSES - 3

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3 14. Answering paragraph 14 of the complaint, defendants deny the  
4  
5 same.

6 15. Answering paragraph 15 of the complaint, defendants are without  
7  
8 information or knowledge sufficient to form a belief as to the truth of said  
9  
10 allegations, and therefore deny the same.

11 16. Answering paragraph 16 of the complaint, defendants admit only  
12  
13 to the existence of a Form I-200 dated May 4, 2017, which speaks for itself,  
14  
15 and deny each and every other allegation of said paragraph.

16 17. Answering paragraph 17 of the complaint, defendants admit only  
17  
18 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,  
19  
20 and deny each and every other allegation of said paragraph.

21 18. Answering paragraph 18 of the complaint, defendants admit only  
22  
23 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,  
24  
25 and deny each and every other allegation of said paragraph.

26 19. Answering paragraph 19 of the complaint, defendants admit only  
27  
28 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,  
29  
30 and deny each and every other allegation of said paragraph.

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3       20.    Answering paragraph 20 of the complaint, defendants admit only  
4  
5 to the existence of the Form I-200 dated May 4, 2017, which speaks for itself,  
6 and deny each and every other allegation of said paragraph.

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8       21.    Answering paragraph 21 of the complaint, defendants admit only  
9  
10 to the existence of a publicly accessible jail roster, which speaks for itself, and  
11 further deny the plaintiff's characterization of same. Defendants are without  
12 information or knowledge sufficient to form a belief as to whether a federal  
13 court has issued a warrant for the plaintiff's arrest or sought to exercise  
14 jurisdiction over the plaintiff, and therefore deny the same. Defendants deny  
15 each and every other allegation of said paragraph.

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17       22.    Answering paragraph 22 of the complaint, defendants deny that an  
18  
19 immigration hold "designation" has been placed on the plaintiff, and further  
20 deny each and every other allegation of said paragraph.

21       23.    Answering paragraph 23 of the complaint, defendants admit only  
22  
23 that defendants are unaware of any Form I-247 material to this lawsuit, which  
24 form would speak for itself, and further deny each and every other allegation of  
25 said paragraph.

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27       24.    Answering paragraph 24 of the complaint, the paragraph contains  
28  
29 generalized statements of law to which no response is required. To the extent a

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3 response is required, the law speaks for itself. Defendants deny each and every  
4 other allegation of said paragraph.  
5

6         25. Answering paragraph 25 of the complaint, defendants admit that  
7 Chief Himes is one of the individuals responsible for implementing and  
8 supervising Yakima County DOC policies and practices generally and deny  
9 that Chief Himes is responsible for training related to Yakima County DOC  
10 policies and practices generally, and further deny plaintiff's characterization of  
11 any conduct by defendants as "immigration holds."  
12

13         26. Answering paragraph 26 of the complaint, defendants admit only  
14 to the existence of emails, which speak for themselves, and deny each and  
15 every other allegation of said paragraph.  
16

17         27. Answering paragraph 27 of the complaint, defendants admit only  
18 that Mr. Campbell is the Director of the Yakima County Department of  
19 Corrections and has the responsibilities of said position and deny each and  
20 every other allegation of said paragraph.  
21

22         28. Answering paragraph 28 of the complaint, defendants admit only  
23 to the existence of an email dated March 16, 2017, which speaks for itself, and  
24 deny each and every other allegation of said paragraph.  
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3 29. Answering paragraph 29 of the complaint, defendants admit the  
4 same.  
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6 30. Answering paragraph 30 of the complaint, defendants admit the  
7 same.  
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9 31. Answering paragraph 31 of the complaint, defendants deny the  
10 plaintiff's characterization of said meeting, deny the existence of "immigration  
11 holds" and deny each and every other allegation of said paragraph.  
12

13 32. Answering paragraph 32 of the complaint, defendants deny the  
14 same.  
15

16 33. Answering paragraph 33 of the complaint, defendants deny the  
17 same.  
18

19 34. Answering paragraph 34 of the complaint, defendants admit to the  
20 existence of correspondence from Columbia Legal Services and the Northwest  
21 Immigrants Rights Project dated July 5, 2017, which speaks for itself, and deny  
22 each and every other allegation of said paragraph.  
23

24 35. Answering paragraph 35 of the complaint, defendants admit only  
25 to the existence of a letter dated July 6, 2017, from defendant Ed W. Campbell,  
26 which letter speaks for itself, and deny each and every other allegation of said  
27 paragraph.  
28

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30 DEFENDANTS' ANSWER  
AND AFFIRMATIVE DEFENSES - 7

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3 36. Answering paragraph 36 of the complaint, defendants deny the  
4 same.  
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6 37. Answering paragraph 37 of the complaint, defendants deny the  
7 same.  
8

9 38. Answering paragraph 38 of the complaint, defendants admit only  
10 that DHS would likely take custody of plaintiff upon his release from the  
11 custody of defendant Yakima County, and deny each and every other allegation  
12 of said paragraph.  
13

14 39. Answering paragraph 39 of the complaint, defendants admit that  
15 plaintiff is in custody of the Yakima County Department of Corrections.  
16 Defendants admit that the only bail required by defendant Yakima County is  
17 that stemming from the state law criminal charges. Defendants are without  
18 information or knowledge sufficient to form a belief as to whether other  
19 jurisdictions such as the U.S. Department of Homeland Security may require  
20 the plaintiff to post bail. Defendants deny each and every other allegation of  
21 said paragraph.  
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25 40. Answering paragraph 40 of the complaint, defendants admit the  
26 same.  
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3 41. Answering paragraph 41 of the complaint, defendants are without  
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5 information or knowledge sufficient to form belief as to the truth of said  
6  
7 allegations, and therefore deny the same.

8 42. Answering paragraph 42 of the complaint, defendants are without  
9  
10 information or knowledge sufficient to form belief as to the truth of said  
11  
12 allegations, and therefore deny the same.

13 43. Answering paragraph 43 of the complaint, defendants deny the  
14  
15 same.

16 44. Answering paragraph 44 of the complaint, defendants deny the  
17  
18 same.

19 45. Answering paragraph 45 of the complaint, defendants deny the  
20  
21 same.

22 46. Answering paragraph 46 of the complaint, defendants deny the  
23  
24 same.

25 47. Except to the extent specifically admitted herein, defendants deny  
26  
27 each and every remaining allegation of plaintiff's complaint.

### 28 **AFFIRMATIVE DEFENSES**

29 In further answer to plaintiff's complaint and as affirmative defenses,  
30  
31 defendants allege as follows:

DEFENDANTS' ANSWER  
AND AFFIRMATIVE DEFENSES - 9

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8.1 Plaintiff fails to state a claim upon which relief can be granted.

8.2 The plaintiff's claims are barred by the doctrine of waiver.

8.3 The plaintiff's claims are barred by the doctrine of estoppel.

8.4 The plaintiff's claims barred by the doctrine of res judicata.

8.5 The plaintiff's claims are not ripe.

8.6 The plaintiff lacks standing.

8.7 The plaintiff's claims are moot.

8.8 The plaintiff has failed to establish municipal liability pursuant to *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978) and its progeny.

8.9 The plaintiff's claims are barred in whole or in part by justification, privilege, and/or discretionary immunity and/or other forms of immunity in favor of answering defendants' actions in furtherance of answering defendants' obligations under the law and plaintiff's claims are contrary to public policy.

8.10 The plaintiff's claims against individual answering defendants are barred by the doctrine of qualified immunity.

8.11 The plaintiff's damages, if any, have been caused and/or contributed to in whole or in part by the acts or omissions of others, including plaintiff, and were not proximately caused by answering defendants.

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3 **IX. REQUEST FOR RELIEF**  
4

5 Having answered the allegations of the Complaint and pleaded  
6 affirmatively, Defendants requests the following relief:  
7

8 1. That the Court dismiss the Complaint with prejudice or enter  
9 judgment for defendants;

10 2. That defendants be awarded its costs and attorneys' fees as  
11 allowed by law; and  
12

13 3. For such other relief as the Court may deem just and equitable.

14 DATED THIS 20<sup>th</sup> day of July, 2017.  
15

16 s/ KENNETH W. HARPER  
WSBA #25578  
17 s/ QUINN N. PLANT  
WSBA #31339  
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19 *Attorneys for Defendants*  
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24 Email: [kharp@mjbe.com](mailto:kharp@mjbe.com)  
25 Email: [qplant@mjbe.com](mailto:qplant@mjbe.com)  
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3 CERTIFICATE OF SERVICE  
4

5 I hereby certify that on July 19<sup>th</sup>, 2017, I filed the foregoing with the  
6  
7 Clerk of the Court using the CM/ECF System, which will send notification of  
8 such filing to the following:  
9

10 Columbia Legal Services:

11 Lori Jordan Isely [lori.isley@columbialegal.org](mailto:lori.isley@columbialegal.org)  
12 Bernardo Rafael Cruz [bernardo.cruz@columbialegal.org](mailto:bernardo.cruz@columbialegal.org)

13 Northwest Immigrant Rights Project:

14 Matt Adams [matt@nwirp.org](mailto:matt@nwirp.org)  
15 Glenda M. Aldana Madrid [glenda@nwirp.org](mailto:glenda@nwirp.org)  
16 Leila Kang [leila@nwirp.org](mailto:leila@nwirp.org)

17 United States:

18 Erez Reuveni [erez.r.reuveni@usdoj.gov](mailto:erez.r.reuveni@usdoj.gov)  
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20 and I hereby certify that I have mailed by United States Postal Service the  
21 document to the following non-CM/ECF participants:  
22

23 None.

24  
25 s/ KENNETH W. HARPER  
26 WSBA #25578  
27 s/ QUINN N. PLANT  
28 WSBA #31339  
29 Menke Jackson Beyer, LLP  
30 *Attorneys for Defendants*

DEFENDANTS' ANSWER  
AND AFFIRMATIVE DEFENSES - 12

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